

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.18146 of 2017

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Mahesh Prasad Yadav @ Mahesh Kumar Yadav, S/o Sri Baidya Nath Yadav,
Resident of Village- Mainapatti, Panchayat - Majeshwara, Block & P.S.-
Babubarhi, District- Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar through the Secretary, Department of Food and Consumer Protection, Govt. of Bihar, Main Secretariat, P.U. Sachivalaya, Patna-15.
2. The Collector of the District, Madhubani.
3. The District Co-operative Officer, Madhubani.
4. The District Manager, Bihar State Food & Civil Supplies Corporation Ltd (B.S.F.C.), Madhubani.
5. The District Supply Officer, Madhubani.
6. The Sub-Divisional Magistrate (SDM) Sadar, Madhubani.
7. The Block Supply Officer, Babubarhi, Madhubani.
8. The Block Co-operative Extension Officer, Babubarhi, Madhubani.
9. The Superintendent of Police (S.P.) Madhubani.
10. The Sub-Divisional Police Officer (S.D.P.O.), Sadar, Madhubani.
11. The Thana-Incharge, Babubarhi, Madhubani.

.... Respondents

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Appearance :

For the Petitioner : Mr. Shashi Nath Jha, Advocate
For the Respondents : Mr. Arvind Ujjwal SC4

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 18-01-2018

Heard learned counsel for the petitioner as well as
learned counsel for the respondents.

2. The writ petition has been filed for the following
reliefs –

- “(i) Quashing/setting aside the order dated 16.09.2016 (Annexure-7) passed by the respondent No. 6 (S.D.M.) by which the P.D.S. licence of the petitioner bearing licence No. 19 of 2011 (Annexure-1) has been cancelled.*
- (ii) Directing the Respondents-authorities to restore the P.D.S. licence No. 19 of 2011 of the petitioner.*



(iii) Holding and declaring that there is no arrears/dues amount against the petitioner and cancelling the licence of the petitioner by the Respondents-authorities on that sole ground was arbitrary, unauthorized and without jurisdiction and also in violation of principles of natural justice.

(iv) Alternatively, directing the Respondent-collector of the District Madhubani (Respondent no. 2) to dispose of the appeal of the petitioner (Annexure-9) pending before him against the order of cancellation of P.D.S. licence (Annexure-7) of the petitioner.

(v) Granting any other relief/reliefs for which the petitioner may be found entitled to.”

3. It is submitted that the impugned order of cancellation of the PDS licence of the petitioner has been passed without issuing any show cause notice and without granting any opportunity of hearing to the petitioner and thus the same is in violation of principles of natural justice.

4. It transpired however that an appeal before the Collector, Madhubani has already been preferred by the petitioner against the impugned order dated 16.09.2016 in the month of September, 2016 but the same has yet to be disposed of.

5. In the above circumstances, this Court is of the view that it would suffice if a direction is given to the Collector, Madhubani (respondent no. 2) to consider and dispose of Misc. (Supply) Appeal No. 33 of 2016, if still pending, after grant of opportunity of hearing to



the petitioner expeditiously and in any event preferably within a period of eight weeks from the date of receipt/production of a copy of this judgment.

6. The writ petition accordingly, stands disposed of.

(Vikash Jain, J)

B.T/Chandran

AFR/NAFR	NAFR
CAV DATE	N.A.
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Transmission Date	N.A

